

REMARKS

This is in full and timely response to the non-final Official Action of July 20, 2006. A petition to extend the time for this response to within the second extended month accompanies this submission. Reexamination and reconsideration are respectfully requested.

Priority Acknowledgement

The Action acknowledges receipt of the certified copy in support of the priority claims under section 119.

Drawings

The Action also indicates that the drawings filed on January 13, 2004 are accepted.

Claims Generally

Claims 1 to 3, 5, 8, 9, and 13 to 18 were pending in this RCE application for consideration in the July 20, 2006 Action. Each of these claims was again rejected as unpatentable over the Knopp '522 patent for the reasons noted in the section spanning pages 3 to 5 of the Action. In addition, claims 1 and 8 were rejected as indefinite under 35 USC 112 for the reasons advanced on pages 2 and 3 of the Action.

Each of these rejections is respectfully traversed in that each of the rejections is overcome by the extended amendments to the claims so that all prior rejections are moot. Specifically, claims 1 and 8 are amended and are the only claims remaining in that claims 2 to 7 and 9 to 18 are cancelled. When amending claims 1 and 8, an effort has been made to provide the omitted elements considered by the examiner to make the claim incomplete.

Argument in support of the amended and reduced-in-number claims

The following arguments about the functioning of the invention of the amended claims 1 and 8 are appropriate. The movement of an eye includes a movement associated with a movement of a head and duction of an eyeball centering a duction point inside the eyeball, and a conventional

corneal surgery apparatus treats positional deviation due to the duction of the eyeball as, for example, X,Y positional deviation of a pupil center by obtaining the pupil center when the pupil is projected onto an X-Y plane, as in the case of treating the movement of the eye parallel to the X-Y plane. In the detection arrangement of Knopp et al., X,Y positional deviation of a mark of a corneal vertex, an iris or a sclera when projected onto an X-Y plane is detected to make tracking. Additionally, through detection of a Purkinje's image, which is frequently utilized in an ophthalmic apparatus, duction of an eyeball (and positional deviation caused thereby) cannot be obtained.

In contrast, the present invention can obtain positional deviation when an eye is moved parallel to an X-Y plane and also detect duction of an eyeball to obtain positional deviation caused thereby. Each of claims 1 and 8 recites the combination of an irradiation optical system, alignment means, detection means or a detection unit, a memory that stores a center and shape of one of the pupil and the corneal limbus as more specifically recited, and a calculation means as recited, all cooperating with a control means as recited. Thus, the amended features of the invention distinguish over Knopp '522.

In view of the above amendment, the Applicant submits that amended claims 1 and 8 of the pending application is in condition for allowance. Thus, early Notice to that effect is solicited.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 18-0013, under Order No. WEN-0029 from which the undersigned is authorized to draw.

Dated: December 20, 2006

Respectfully submitted,

By 

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